

CITY COUNCIL

Meeting Agenda

REGULAR MEETING COUNCIL CHAMBERS MON, JANUARY 26, 2009 7:00P.M.

OPENING MATTERS

CALL TO ORDER

INVOCATION: Steve Elmarzourky, Islamic Center of Reading

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamation

 In recognition of the book drive for Greater Reading's Cops 'N Kids program accepted by Julie Blatt and Nicole Crystal of Barnes and Noble Booksellers, Wyomissing

Council Commendation

• In recognition of Josie Torres Boykins, Latino Chamber of Commerce 2008 Person of the Year

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. <u>Citizens attending the meeting may not cross into the area beyond the podium.</u> Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

AGENDA: Council Meeting of January 26, 2009

Consent Agenda Legislation

Resolution - authorizing the DCED application for \$5,000,000 from the Federal Neighborhood Stabilization Program to address the acquisition, demolition and/or rehabilitation of blighted and foreclosed properties (CD Department)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Bill No. 1-2009 - amending the code of ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, administrative fees, public record fees (Council staff) *Introduced at the January 12 regular meeting*

Bill No. 2-2009 – authorizing the transfer of \$248,000 from the Self Insurance Fund Water/Sewer Main Break line item #52-11-00-4517 into the Incurred Liability Claims line item #52-11-00-4749 (Human Resources) *Introduced at the January 12 regular meeting*

Bill No. 3-2009 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Part 1 Administrative Code, Section 1-185 – 9 C Annual Budget – Budget Organization and Content (Council Pres Spencer) *Introduced at the January 12 regular meeting*

Bill No. 4-2009 - amending The Codified Ordinances Of The City Of Reading Chapter 1 – Section 1-186, 3, G by adding a new (3) requiring Council approval for all expenditures made from any and all Agency Funds and any and all line items and allocations made in the "Department: Non-Departmental" area of the General Fund Budget (Council President Spencer) *Introduced at the January 12 regular meeting*

Bill No. 5-2009 - amending the City of Reading organizational chart as follows: adding the Division of Codes Services to the Department of Police; adding the Divisions of Information and Technology and Call Center to the Department of Finance; adding the Division of Zoning and Trades to the Department of Community Development; eliminating the Office of Neighborhood Development under the Managing Director (Managing Director) Introduced at the January 12 regular meeting

Bill No. 6-2009 – Amending the City of Reading Codified Ordinances Chapter 10 Part 17 Sidewalk Vendors (Council Staff/Law) Referred to focus group in October 2008, focus group sessions completed 1-21-09; Introduced at the January 12 regular meeting

Pending Advertisement and Public Hearing Required by MPC Notice of Pending Ordinance Doctrine

Ordinance - to adopt an amendment to the Zoning Ordinance under the authority of the Pennsylvania Municipalities Planning Code, which adds a Planned Residential Development (PRD overlay called the "RR Riverfront Redevelopment Overlay Zoning District" and to apply the new district to lands from the centerline of the Schuylkill River to areas to the east and northeast of the river, including areas generally south and southwest of Franklin St, along both sides of S. 2nd St. and Riverfront Dr., and along both sides of Canal Street including areas south of Laurel St., south of Willow St., west of S. 7th St. and north of South St. and as shown in more detail on the attached RR zoning overlay district map (Solicitor) *Introduced at the December 8 regular meeting; public hearing held January 8*

Ordinance - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section **(Council Staff)**

INTRODUCTION OF NEW ORDINANCES

Ordinance – increasing the salary of the Police Chief to \$108,957.13, a 4% increase, per annum retroactive to January 23, 2009 (Managing Director)

Ordinance – amending the full time position ordinance by creating the position of Gun Safety Coordinator in the Mayor's Office (Managing Director)

RESOLUTIONS

Resolution – appointing Brian Bingaman to the Planning Commission (Admin Oversight)

Resolution – appointing Lori Knockstead to the Stadium Commission (Admin Oversight)

Resolution – appointing Robert Fegley to the Plumbing Board (Admin Oversight)

Resolution – appointing Henriette Alban to the Library Board of Trustees (Admin Oversight)

Resolution – appointing Raymond Schuenemann III to the Water Authority (Admin Oversight)

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, January 26

Meeting with the Mayor – Mayor's Office – 4 pm Committee of the Whole – Council Office – 5 pm Regular Meeting – Council Chambers – 7 pm

Wednesday, January 28

Public Hearing – Reuse of Navy Marine Center – 7th Day Adventist Church – 7 pm

Monday, February 2

Meeting with the Mayor – Mayor's Office – 4 pm Finance Committee – Council Office – 5 pm Public Safety Committee – Council Office – 5 pm

Monday, February 9

Meeting with the Mayor – Mayor's Office – 4 pm Committee of the Whole – Council Office – 5 pm Regular Meeting – Council Chambers – 7 pm

Wednesday, February 18

PRD Public Hearing – Council Chambers 5 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, January 26

DID Authority – Reading Eagle 3rd Floor conference room – noon
BARTA – BARTA Office – 3 pm
Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm
Charter Board – Penn Room – 6:30 pm
Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm

Tuesday, January 27

Housing Authority Workshop – WC Building – 4 pm Housing Authority – WC Building – 5 pm Human Relations Commission – Penn Room – 5 pm Library Area Neighborhood Assn – Unitarian Church – 6:30 pm District 7 Crime Watch – Holy Spirit Church – 7 pm

Wednesday, January 28

Parking Authority – Parking Authority Office – 5 pm District 6 Crime Watch – 13th & Green Elementary School – 6:30 pm Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm 18th & Cotton Community Crime Watch – St. Matthew's Church – 7 pm Northeast Crime Watch – Northeast Library – 7 pm Stadium Commission – Stadium RBI Room – 7:30 pm

Monday, February 2

Centre Park Artifacts Bank – 705 N 5th St – noon Shade Tree Commission – Planning Conference Room – 6 pm Wyomissing Park Property Owner's Assn – Member's home – 6:30 pm

Wednesday, February 4

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, February 5

Police Civil Service Board – Penn Room – noon Board of Health – Penn Room – 6 pm Glenside Community Council – Christ Lutheran Church – 6:30 pm District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, February 8

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, February 9

Fire Civil Service Board – Penn Room – 4 pm 6^{th} & Amity Neighborhood & Playground Assn – 6^{th} & Amity Fieldhouse – 6:30 pm Charter Board – Penn Room – 7 pm

RESOLUTION NO 2009

Whereas, the City of Reading desires to apply for and obtain a grant from the Pennsylvania Department of Community and Economic Development (DCED) for approximately \$5M through the Federal Neighborhood Stabilization Program (NSP) to address the property foreclosure issue within the City. Funding will be used to acquire and demolish or rehabilitate foreclosed and/or abandoned properties within the City of Reading's NSP target area;

Whereas, the City of Reading's Community Development Department held a public hearing on January 2, 2009 at City Hall to discuss the uses and potential plans to implement NSP funding;

THEREFORE BE IT RESOLVED,

- 1) that the City of Reading City Council does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the Pennsylvania Department of Community and Economic Development, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Reading and the Pennsylvania Department of Community and Economic Development.

The City of Reading City Council hereby authorizes and directs the Mayor, on behalf of the City of Reading, to file the application for financial assistance to carry out the housing and community development activities outlined in the plans; and to execute the necessary certifications in connection with the plans and provide such additional information as may be required.

	Adopted by Council	on the	_day of	, 2009
		/aughn D. S _l	pencer, Preside	nt of Council
inda A. Kelleher. Citv Clerk				

BILL NO. ____ AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, ADMINISTRATIVE FEES, PUBLIC RECORD FEES.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Public Record Fees shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part hereof.

Photocopying Fee - 0.25 per page (either a single-sided copy or one side of a double-sided black and white copy of a standard 8.5" X 11" page)

Certification of a record - \$1 per record (this does not include notarization fees)

Copying records to/from electronic media – actual cost

If the cost is expected to be \$100 or greater the full cost will be payable prior to the release of the record

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

	Enacted	, 2009
Attest:	President of Council	
Citv Clerk		



AGENDA MEMO

HIUMAN RESOURCES DEPARTMENT

TO: City Council

FROM: Charles Younger/Chris Wheelen/Pat Beisswanger

PREPARED BY:
MEETING DATE:
AGENDA MEMO DATE:
Pat Beisswanger
December 8, 2008
December 3, 2008

REQUESTED ACTION: To approve a transfer of \$248,500 from the Self Insurance

Fund Water/Sewer Main Break line into the Self Insurance

Fund Incurred Liability Claim line.

RECOMMENDATION: The City Solicitor and the Human Resource Director are

asking Council to approve a transfer of \$248,500 within the Self Insurance Fund to pay a lawsuit settlement payment due

in 2008.

BACKGROUND: The Incurred Liabilities line will exceed it's budgeted amount

in 2008 due to a lawsuit settlement payment of \$250,000 that

was not expected.

BUDGETARY IMPACT: None

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED BY: Christine Wheelen, Human Resources Director, Charles

Younger, City Solicitor and Pat Beisswanger, Risk and Safety

Coordinator

RECOMMENDED MOTION: Approve a transfer of \$248,000 from the Self Insurance Fund

Water/Sewer Main Break line #52 11 00 4517 into the

Incurred Liability Claims line #52-11-00-4749.

BILL NO.____-2009

AN ORDINANCE

AUTHORIZING THE TRANSFER OF \$248,500 FROM THE SELF-INSURANCE FUND WATER/SEWER MAIN BREAK ACCOUNT INTO THE INCURRED LIABILITY CLAIMS ACCOUNT.

WHEREAS, the Self Insurance Fund Incurred Liability Claims account # 52-11-00-4749 has exceeded its 2008 budgeted amount with outstanding bills/invoices still unpaid; and

WHEREAS, the Self Insurance Fund Water/Sewer Main Break account # 52-11-00-4517 has a remaining 2008 balance; and

WHEREAS, the City Administration requests that City Council approve the transfer of the amount of \$248,500 from account # 52-11-00-4517 into account # 52-11-00-4749 pursuant to the City of Reading's Administrative Code Section 1-186 (3A-G),

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The amount of \$248,500 shall be transferred from the 2008 budgeted amount in the Self Insurance Fund Water/Sewer Main Break account # 52-11-00-4517 into the 2008 budgeted amount in the Self Insurance Fund Incurred Liability Claim account # 52-11-00-4749.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor or as otherwise provided under the Home Rule Charter.

	Enacted	, 2009
	President of C	Council
Attest:		
City Clerk		
(Law)		

BILL NO.____-2009

AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISRATION AND GOVERNMENT, PART 1 ADMINISTRATIVE CODE, SECTION 1-185 – 9 C ANNUAL BUDGET – BUDGET ORGANIZATION AND CONTENT.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Amending the City of Reading Codified Ordinances Chapter 1, Part 1 Section 1-185 9C Annual Budget-Budget Organization as follows:

C. Budget Organization and Content.

(1) Section 904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- A. It shall begin with a general summary of its contents.
- B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
- D. It shall show the number of proposed employees in every job <u>classification and</u> <u>the proposed salaries of all exempt employees beginning in 2009.</u>
- E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.
- F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
- G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed

method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.

H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. The total of proposed expenditures shall not exceed the total of estimated income.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 1 of the Codified Ordinances of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

	Enacted, 2009
Attest:	President of Council
City Clerk	
(Council Staff)	

BILL NO. _____ -2009 AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING CHAPTER 1 – SECTION 1-186, 3, G BY ADDING A NEW (3) REQUIRING COUNCIL APPROVAL FOR ALL EXPENDITURES MADE FROM ANY AND ALL AGENCY FUNDS AND ANY AND ALL LINE ITEMS AND ALLOCATIONS MADE IN THE "DEPARTMENT: NON-DEPARTMENTAL" AREA OF THE GENERAL FUND BUDGET.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading Chapter 1, Section 1-186, 3, G by adding a new (3) shown below:

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

- D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:
- (1) Expenditure procedures.
- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between department.

- (4) Administration of petty cash funds.
- E. Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [Ord. 36-2000]
- F. Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$25,000. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]
- G. Requiring City Council approval, via ordinance, for the following:
- (1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
- (2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.
- (3) All expenditures and allocations from and to any and all Agency Funds and any and all line-items falling in the Departmental: Non Departmental area of the General Fund.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

	Enacted	, 2009
Attest:	P	resident of Council
City Clerk		
(C	C1-40	

(Council Pres. Spencer & Council Staff)

ORDINANCE	NO.	2009

AN ORDINANCE AMENDING THE CITY OF READING ORGANIZATIONAL CHART AS FOLLOWS: ADDING THE DIVISION OF CODES SERVICES TO THE DEPARTMENT OF POLICE; ADDING THE DIVISIONS OF INFORMATION AND TECHNOLOGY AND CALL CENTER TO THE DEPARTMENT OF FINANCE; ADDING THE DIVISION OF ZONING AND TRADES TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT; ELIMINATING THE OFFICE OF NEIGHBORHOOD DEVELOPMENT UNDER THE MANAGING DIRECTOR

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading Organizational Chart shall be amended to reflect the structure detailed in the attached exhibit "A".

SECTION 2. This Ordinance shall become effective ten (10) days after its approval, in accordance with Section 221 of the City of Reading Home Rule Charter.

	Passed Council, 2009
	President of Council
Attest:	
City Clerk	_

BILL NO.____2009 AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 27 ZONING BY CREATING A NEW SECTION IN PART 11 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OF ZONING DISTRICTS BY PLACING REQUIREMENTS FOR THE RENTAL OF SINGLE FAMILY HOMES IN AREAS ZONED R-1, R-1A and R-2 AND AMENDING THE DEFINITIONS SECTION.

WHEREAS, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

WHEREAS, over 50% of all residential properties in the City of Reading are rental properties the City's residential neighborhoods are plagued with quality of life problems such as inadequate parking, noise, overcrowding, heavy traffic, etc., and

WHEREAS, as the City of Reading City Council and residents of these neighborhoods seek to preserve the quality of life in these low density residential zones by creating requirements for single family rental properties in area zoned R-1, R-1A and R-2.

NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 11 Additional Requirements for Specific Uses or Zoning Districts by creating a Section 27-1107 which creates restrictions on the rental of single family homes in R-1, R-1A and R-2 zoning districts, as follows:

Section 27-1106. Requirements for Rental Properties in the R-1, R-1A and R-2 Zoning Districts.

- A. All single family rental properties must obtain a zoning permit.
- B. No single family property in these zoning districts shall be converted for multifamily use or created to become Roommate Rentals as defined in Sections 27-1202 (16) and 27-2202.
- C. The application must include a site plan and architectural plans, drawn to scale, must show the location and dimensions of off-street parking, private entrances,

- walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- D. The rental property must meet the standards of the City of Reading building, housing and fire codes as required for residential rental properties. The owner must verify to the City of Reading on an annual basis that the building meets all of the maintenance, plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
- E. No cooking facilities of any kind shall be located in any room except the central kitchen.
- F. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
- G. No basement or cellar shall be used as a habitable bedroom except by special approval and variance from the Zoning Hearing Board.
- H. Each rental property must provide one on-site off-street parking space for each resident.
- I. No rental property shall be located within 800 feet of another except by special approval and variance from the Zoning Hearing Board.

SECTION 2. Requiring all existing rental properties in R-1, R-1A and R-2 zoning districts to register their property's pre-existing, non-conforming status within one (1) year of the enactment of this ordinance. Registering the property by this date will allow the property to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the property must be converted to a use permitted in the zone within 6 months.

SECTION 3. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 22 Definitions by adding the following:

RENT, RENTING, RENTAL, LET, LETTING, LEASE OR WORDS OF SIMILAR MEANING – the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof or the owner's family (related by direct blood line, marriage, adoption, or foster relationship), whether or not for compensation.

RENTABLE UNIT, UNIT, OR WORDS OF SIMILAR MEANING - Any dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.

ROOMING UNIT- a portion of a building providing rooms for sleeping and/or sanitary facilities.

SECTION 4. The owner or qualified agent or manager of the property shall register the rental property annually with the Codes Services and Tax Administration offices. Failure to register on an annual basis with revoke the zoning permit.

SECTION 5. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.



Brief

Linda A. Kelleher City Clerk

Agenda Item: Sidewalk Vendor **From:** Michelle Katzenmoyer, Deputy

City Clerk

Briefing No.: 1-2009 **Date:** January 9, 2009

BACKGROUND:

This ordinance was originally drafted and enacted in 2007 to provide regulation of sidewalk vendor businesses at the request of the Administration. Research showed that many other cities, in Pennsylvania and throughout the nation, has ordinances regulating sidewalk vendor businesses. At the request of the Council Public Safety Committee an amendment to this ordinance was introduced on September 8, 2008 to expand the number of vendor licenses from 10 to 15 per year in the downtown area and to expand the vendor area west to North Front Street and East to North 11th Street. After conducting some meetings with a focus group that included representatives from City Offices and sidewalk vendors some additional amendments were made. FAQs and Summary Sheets have been prepared and the permit has been updated.

AMENDMENTS TO THE EXISTING ORDINANCE:

- Requires vendors to apply annually by March 1 of each calendar year
- Changes the operating year to April 1 March 31 annually.
- Allows for 15 vendors to operate in the DID area and for the use of a lottery system in cases where two vendors want to operate in the same location.
- Prohibits sidewalk vendors from operating on private property as per Section 902 Limit of One Principle Use "No more than one principal use shall be permitted on a lot, unless specifically permitted by this Chapter. A principal use shall not be located in an accessory building or structure."
- Prohibits pre-existing vendors to be "grandfathered".
- Incorporates requirements set by the PaDOH and the Serve Safe licensing required by the Pa Dept of Agriculture.
- Allows sidewalk vendors operating inside the DID area to operate between the

- hours of 9 a.m. and 8 p.m.
- Adds a representative from the Greater Reading Chamber of Commerce to the Vending Licensing Board.
- Adds definitions of Vehicle and Mobile Vendor to provide clarity.
- Allows the sidewalk vendor to request a specific location.

BILL NO._____-2009 AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 10 PART 17 SIDEWALK VENDORS, SECTIONS 1704 DEFINITIONS AND SECTION 1705 LICENSE REQUIRED.

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 10 Part 17 Sidewalk Vendors Sections 1704 Definitions by adding the following definitions:

MOBILE VENDOR - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the city that does not typically remain stationary for more than approximately 10 minutes each hour.

VEHICLE - a device or structure for transporting persons or things; a conveyance that is self-propelled and runs on tires.

SECTION 2. Amending the City of Reading Codified Ordinances Chapter 10, Part 17, Section 1705 1 as follows:

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning Downtown Improvement District (DID) area between the southern border of Franklin Street, the northern border of Washington Street, the western border of 8th Street Front Street and the eastern border of 11th Street. Sidewalk vending activities outside the Downtown Improvement Authority (DID) area may be permitted in accordance with Section 10-1706 contained herein.

Vending is prohibited on private property as per the Zoning Ordinance, City of Reading Codified Ordinances Chapter 27, Section 902 – Limit of One Principle Use states "No more than one principal use shall be permitted on a lot, unless specifically permitted by this Chapter. A principal use shall not be located in an accessory building or structure."

Pre-existing vendors operating inside and outside the Downtown Improvement District (DID) area are required to comply with all regulations contained herein and shall not be "grandfathered".

SECTION 2. Amending the City of Reading Codified Ordinances Section 10-1705 2 (A) as follows:

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning- DID Area except as explained in §10-1706. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. Ten Fifteen sidewalk vending licenses shall be issued for sidewalk vending sales annually per for the District DID area as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines will be issued annually. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

SECTION 3. Amending the City of Reading Codified Ordinances Section 10-1706 Permitting for Sidewalk Vendors Outside the Permitted Area as follows:

§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area

Applications for sidewalk vendor outside the Commercial Core Zoning District Downtown Improvement Authority (DID) area shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. City Council shall review and consider the approval of these applications and determine the fixed location for each applicant. Vendors will be informed by first class mail if their application is approved or denied within 30 days. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

SECTION 4. Amending the City of Reading Codified Ordinances Section 10-1704 Definitions, replacing Commercial Core Zoning District with Downtown Improvement Area as follows:

COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

DOWNTOWN IMPROVEMENT AUTHORITY AREA – the City's Central Business District, as created through the enactment of Bill No. 41-2005 on June 27, 2005. Please see the map located at www.downtownreading.com

SECTION 5. Amending the City of Reading Codified Ordinances Section 10-1707 License Application, by replacing all references to November 1 and 15 with March 1 and March 15; references to November 15 with March 15; and references to February 1 to January 31 with April 1 to March 31.

SECTION 6. Amending the City of Reading Codified Ordinances Section 10-1708 Design Standards B. Required Physical Dimensions by adding the following, as required by State statute:

- (8) Hand washing Facilities. Each vending cart must have a hand wash sink with hot and cold water, a posted sign indicating "Employees must wash hands, and comply with the standards as required by the Pa. Dept of Agriculture
- (9) Refuse. All vending carts must have a refuse receptacle with a tight fitting lid on the unit and a separate refuse receptacle for customers as required by the Pa. Dept of Agriculture. Receptacles must be properly emptied when full or at a minimum at the close of business.
- (10) Cold and Hot Holding Units. Refrigeration and cold holding units must be capable of reaching and maintaining 41°F or below when in use. Hot holding units must be capable of holding foods at 135°F or above, as required by the Pa. Dept of Agriculture.
- (11) Dish washing. Single service articles must be used unless adequate dishwashing facilities are available and used. Adequate facilities will include a three compartment sink (separate from the hand washing sink) set up for accomplishing a 3-step method of dishwashing. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved as required by the Pa. Dept of Agriculture. (12) Food and Ice. All food and beverages must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as required by the Pa. Dept of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home can only be used if that facility is licensed, registered and inspected by the Pa. Dept of Agriculture and the City of Reading. (14) Serve Safe Certificate. All vendors are required to obtain and maintain a Serve Safe Certificate from the Department of Agriculture, as required by the State Food

Employee Certification Act, within 3 months of the approval of their Sidewalk Vendor Permit.

E. All carts shall comply with standards and specifications described herein and adopted by the City **and the State**. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

SECTION 7. Amending the City of Reading Codified Ordinances Section 10-1709 Sidewalk Vendor Operation Standards by adding the following:

- 1. **Days and Hours of Operation**. Sidewalk vendor sales may be conducted daily *in areas outside the Downtown Improvement* between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City. *Sidewalk vendor sales inside the Downtown Improvement District may be conducted between the hours of 9 a.m. to 8 p.m. during the permit year.*
- 6. Display. The sidewalk vendor license, the City of Reading health permit and the State serve safe certificate shall be posted in plain view of the customers at all times the vendor is operating.

SECTION 8. Amending the City of Reading Codified Ordinances Section 10-1711 Vending License Board as follows:

The Vending License Board shall consist of the one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, *one representative from the Greater Reading Chamber of Commerce*, one employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

- A. **Responsibilities**. The Vending License Board shall have the following responsibilities and duties:
 - (1) Meet no later than December 30 *March 1* annually to review and approve vendor license applications.
 - (2) Determine vendor locations for each approved applicant within the Commercial Core Zoning District Downtown Improvement Authority (DID) area.
 - (3) Recommend amendments to this Part to the Council of the City of Reading.(*Ord.* 63-2007, 8/13/2007, §1)

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

	Enacted	, 2009
	President of Council	
A.1 1		
Attest:		
	_	
City Clerk		
(Council Office)		
Submitted to Mayor:		
Date:	_	
Received by the Mayor's Office: _		
Date:		
Approved by Mayor:	_	
Date:		
Vetoed by Mayor:		
Date:		

PART 17 SIDEWALK VENDORS

§10-1701. Purpose

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities. Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services. (*Ord.* 63-2007, 8/13/2007, §1)

§10-1702. Title

This Part shall be known as the "Sidewalk Vendor Ordinance." (Ord. 63-2007, 8/13/2007, §1)

§10-1703. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statue, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statue, ordinance or regulation shall govern.

(Ord. 63-2007, 8/13/2007, §1)

§10-1704. Definitions

For the purpose of this Part, certain terms shall be defined as follows:

COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

DOWNTOWN IMPROVEMENT AUTHORITY AREA – the City's Central Business District, as created through the enactment of Bill No. 41-2005 on June 27, 2005. Please see the map located at www.downtownreading.com

KIOSK - a freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like.

MOBILE VENDOR - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the city that does not typically remain stationary for more than approximately 10 minutes each hour.

OFFICIAL MAP - the topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

PASSABLE - free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PUBLIC RIGHT-OF-WAY - any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

PUBLIC OUTDOOR PAY TELEPHONE - any outdoor publicly accessible pay telephone any portion of which or its enclosure is situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

PUBLIC PROPERTY - all real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

SANDWICH BOARD - any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

SIDEWALK - that portion of a public right-of-way for which paving is required under this Part of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

SIDEWALK AREA - that portion of the public right-of-way occurring between the curbline and the topographical building line.

SIDEWALK VENDOR - person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from any stand, cart vending machine or trailer while on or about the sidewalk area.

SIDEWALK VENDOR LICENSE - the written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The license must be displayed prominently on each stand, cart, trailer and/or obstruction.

STAND - any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include, but are not limited to, kiosks, news-racks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms "tables," "carts," "stands" and "trailers" shall be used interchangeably throughout this Part and should be construed to the same meaning.

TRAILER - vehicle designed to be towed by a motor vehicle.

VEHICLE - a device or structure for transporting persons or things; a conveyance that is self-propelled and runs on tires.

VENDING CART - small, light vehicle moved by hand for the purpose of conducting food sales.

VENDING LICENSE BOARD - Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1710.

VENDING MACHINE - any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, or other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation. (*Ord.* 63-2007, 8/13/2007, §1)

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District Downtown Improvement Authority (DID) area and between the southern border of Franklin Street, the northern border of Washington Street, the western border of 8th Street Front Street and the eastern border of 11th Street, except as provided in §10-1706. Sidewalk vending activities outside the Downtown Improvement Authority (DID) area may be permitted in accordance with Section 10-1706 contained herein.

Vending is prohibited on private property as per the Zoning Ordinance, City of Reading Codified Ordinances Chapter 27, Section 902 – Limit of One Principle Use states "No more than one principal use shall be permitted on a lot, unless specifically permitted by this Chapter. A principal use shall not be located in an accessory building or structure."

Pre-existing vendors operating inside and outside the Downtown Improvement District (DID) area are required to comply with all regulations contained herein and shall not be "grandfathered".

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District Downtown Improvement Authority (DID) area, except as provided in §10-1706. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. Ten Fifteen sidewalk vending licenses shall be issued for food-related sales annually per District for the Downtown Improvement Authority (DID) area as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines will be issued annually. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. City Council shall determine the location of sidewalk vendors in area outside the Downtown Improvement District. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The

City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

- B. **More than Two Licenses Prohibited**. A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.
- C. **License Nontransferable**. A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.(*Ord.* 63-2007, 8/13/2007, §1)

§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area

Applications for sidewalk vendor outside the Commercial Core Zoning District Downtown Improvement Authority (DID) area shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. City Council shall review and consider the approval of these applications and determine the fixed location for each applicant. Vendors will be informed by first class mail if their application is approved or denied within 30 days. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

§10-1707. License Application

- 1. **Notice of License Availability**. Applications for sidewalk vending licenses will be available between November 1 and November 15 March 1 and March 15 in the City of Reading Codes Office. Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1 March 1.
- 2. **Application**. Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of \$50 no later than 4 p.m. on November 15 March 15. The application shall at a minimum set forth:
 - A. True name and address of the applicant. P.O. boxes will not be permitted.

- B. Names and addresses of any employees, other than the owner, who operate the stand.
- B. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1708 herein.
- C. Sufficient detail about the proposed sidewalk vendor and the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State health permits.
- D. A copy of the applicant's business privilege license.
- E. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.
- F. A complete listing of the items to be offered for sale or distribution.
- G. The locations the sidewalk vendor would like to operate at.

Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before November 15 March 15 as stated above.

- 3. **Review of Applications**. Not more than 45 days following application deadline, the Vending License Board shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:
 - A. The application is incomplete in any material respect.
 - B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.
 - C. The applicant does not have a business privilege license.
 - D. The applicant, or any natural person having an interest in the entity making the application, has:
 - (1) An interest in more than two sidewalk vendor licenses.
 - (2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.
 - (3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
 - E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore within ten (10) days.

Note: In the event two or more sidewalk vendors apply to operate in the same location, a lottery system will be used to make the determination.

4. Each license shall be issued for one calendar year, February 1 to January 31 April 1 through March 31 and shall be subject to review during the calendar year for adherence to the requirements of this Part.

(Ord. 63-2007, 8/13/2007, §1)

§10-1708. Design Standards.

1. Design and Appearance.

A. **General Requirements**. All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office. In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Required Physical Features.

- (1) **Dimensions.** The dimensions of the vending cart shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels, handles and similar parts). Fold-out shelves for larger merchandise are permitted, provided there will be no interference with pedestrian movement.
- (2) **Mobility**. Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.
- (3) **License Display**. The vending license must be dearly displayed on the cart in such a manner and location as to be dearly visible to customers.
- (4) **Trash Receptacles**. Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation.
- (5) **Covers**. Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained.
- (5) **Carts Self-Contained**. All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

- (6) **Utility Connections**. Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.
- (7) **Fire**. A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.
- (8) Hand washing Facilities. Each vending cart must have a hand wash sink with hot and cold water, a posted sign indicating "Employees must wash hands, and comply with the standards as required by the Pa. Dept of Agriculture
- (9) Refuse. All vending carts must have a refuse receptacle with a tight fitting lid on the unit and a separate refuse receptacle for customers as required by the Pa. Dept of Agriculture. Receptacles must be properly emptied when full or at a minimum at the close of business.
- (10) Cold and Hot Holding Units. Refrigeration and cold holding units must be capable of reaching and maintaining 41° F or below when in use. Hot holding units must be capable of holding foods at 135° F or above, as required by the Pa. Dept of Agriculture.
- (11) Dish washing. Single service articles must be used unless adequate dishwashing facilities are available and used. Adequate facilities will include a three compartment sink (separate from the hand washing sink) set up for accomplishing a 3-step method of dishwashing. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved as required by the Pa. Dept of Agriculture.
- (12) Food and Ice. All food and beverages must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as required by the Pa. Dept of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home can only be used if that facility is licensed, registered and inspected by the Pa. Dept of Agriculture and the City of Reading.
- (13). **Sign**. No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses. (*Ord.* 63-2007, 8/13/2007, §1)
- (14) Serve Safe Certificate. All vendors are required to obtain and maintain a Serve Safe Certificate from the Department of Agriculture, as required by the State Food Employee Certification Act, within three months of the approval of their Sidewalk Vendor Permit.

C. Prohibited Features.

(1) Advertising other than the name of the vendor's business or suppliers.

- (Advertising must appeal to the sensibilities of the general public.)
- (2) Propulsion systems other than manual.
- (3) Gas cylinders larger than 20 pounds.
- (4) Vending directly from a motor vehicle is prohibited.
- D. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.
- E. All carts shall comply with standards and specifications described herein and adopted by the City *and the State*. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.
- F. **Maintenance**. All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement cart may be placed into operation until approved.

§10-1709. Sidewalk Vendor Operation Standards

- 1. **Days and Hours of Operation**. Sidewalk vendor sales may be conducted daily *in areas outside the Downtown Improvement* between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City. *Sidewalk vendor sales inside the Downtown Improvement District may be conducted between the hours of 9 a.m. to 8 p.m. during the permit year*.
- 2. **Daily Removal**. Sidewalk stands and accounterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading. The vendor will be charged for costs, storage and the penalty prescribed under §10-1714 herein.
- 3. **Safe and Sanitary Condition**. Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts licensed hereunder to sell food products shall:

- A. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable State and local codes.
- B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.
- 4. **Quiet Operations**. Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales to pedestrians or motorists.
- 5. **Use and Maintenance of Sidewalk**. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business.

The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

- 6. Display. The sidewalk vendor license, the City of Reading health permit and the State serve safe certificate shall be posted in plain view of the customers at all times the vendor is operating.
- 7. **Public Liability Insurance**. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.
- 8. **Prohibitions**. An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:
 - A. A passable sidewalk width less than 5 horizontal feet.
 - B. A horizontal projection from the building line in excess of 5 feet.
 - C. A reduction in sight triangle.

(Ord. 63-2007, 8/13/2007, §1)

§10-1710. Suspension or Revocation of License

A sidewalk vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable State or local, including but limited to all health or safety regulations, zoning and taxation.

(Ord. 63-2007, 8/13/2007, §1)

§10-1711. Vending License Board

The Vending License Board shall consist of the one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, *one representative from the Greater Reading Chamber of Commerce*, one employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

- A. **Responsibilities**. The Vending License Board shall have the following responsibilities and duties:
 - (1) Meet no later than December 30 *April 1* annually to review and approve vendor license applications.
 - (2) Determine vendor locations for each approved applicant within the Commercial Core Zoning District Downtown Improvement Authority (DID) area.
 - (3) Recommend amendments to this Part to the Council of the City of Reading.

(Ord. 63-2007, 8/13/2007, §1)

§10-1712. Enforcement

This Part will be enforced under the jurisdiction of the City Codes Office and the Reading Police Department.

(Ord. 63-2007, 8/13/2007, §1)

§10-1713. Construction and Severability

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

(Ord. 63-2007, 8/13/2007, §1)

§10-1714. Penalty

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

(Ord. 63-2007, 8/13/2007, §1)

BILL NO._____-2008

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING TO ADOPT AN AMENDMENT TO THE ZONING ORDINANCE UNDER THE AUTHORITY OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA HEREBY ADOPTS THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF READING TO CREATE A NEW RR RIVERFRONT REDEVELOPMENT OVERLAY ZONING DISTRICT AND TO APPLY THE NEW DISTRICT TO LANDS FROM THE CENTERLINE OF THE SCHUYLKILL RIVER TO AREAS TO THE EAST AND NORTHEAST OF THE RIVER, INCLUDING AREAS GENERALLY SOUTH AND SOUTHWEST OF FRANKLIN ST, ALONG BOTH SIDES OF S. 2ND ST. AND RIVERFRONT DR., AND ALONG BOTH SIDES OF CANAL STREET INCLUDING AREAS SOUTH OF LAUREL ST., SOUTH OF WILLOW ST., WEST OF S. 7TH ST. AND NORTH OF SOUTH ST. AND AS SHOWN IN MORE DETAIL ON THE ATTACHED RR ZONING OVERLAY DISTRICT MAP

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A" to create a new RR Riverfront Redevelopment Overlay Zoning District and to apply the new district to lands from the centerline of the Schuylkill River to areas to the East and Northeast of the River, including areas generally South and Southwest of Franklin St, along both sides of S. 2nd St. and Riverfront Dr., and along both sides of Canal Street including areas South of Laurel St., South of Willow St., West of S. 7th St. and North of South St. and as shown in more detail on the attached RR Zoning Overlay District Map attached hereto as Exhibit "B."

SECTION 2. <u>SEVERABILITY</u>. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. <u>REPEALER</u>. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed as they affect the RR Overlay District.

SECTION 4. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 5. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

	Enacted	, 2008
Attest:	President of Council	
City Clerk (LAW DEPT.)		
Submitted to Mayor: Date:		
Received by the Mayor's Office: Date:		
Approved by Mayor: Date:		
Vetoed by Mayor:		

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:

Part 1. The following new definition is added to Section 27-2202:

"Tract, Total Area of the" the total lot area of a single lot(s) in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The Total Area of the Tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space or recreation land."

Part 2. The following is added to Section 27-701:

"H. RR Riverfront Redevelopment Overlay District"

In Section 27-502, add the following: "A. However, the RR Overlay District shall function in relation to the underlying zoning district, as provided in Section 27-815."

Part 3. The following is added as Section 27-702.H., regarding purposes:

- "H. RR Riverfront Redevelopment Overlay District This district recognizes an area of Reading that is uniquely situated compared to other areas of the City. This district allows optional types of future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RR Overlay District is intended to:
 - Promote redevelopment that enhances the Schuylkill Riverfront, in recognition of its value to the City, while making better use of underutilized lands.
 - 2. Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.
 - 3. Improve the public's access to the river and maximize the visibility of the riverfront.
 - Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reducing commuting distances, while promoting use of public transit.
 - 5. Carry out the purposes of the Traditional Neighborhood Development (TND) and the purposes of the Planned Residential Development (PRD) provisions

- of the State Municipalities Planning Code, which are hereby included by reference.
- Encourage new development to occur in a compact neighborhoodoriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
- 7. Promote housing that serves various types of households.
- 8. Allow modification of certain requirements through the PRD process by the Planning Commission.
- 9. Promote a pedestrian-orientation through the development that includes a mix of commercial and residential uses."

Part 4. The following is added as a new Section 27-815:

"27-815. RR Riverfront Redevelopment Overlay District.

A. <u>Boundary</u>. The RR District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be considered to have been amended to show the boundaries of the new RR Overlay District.

B. Applicability and Phasing.

- 1. The RR Overlay District is an optional zoning district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RR District or under the underlying district. Once a final Planned Residential Development (PRD) plan is approved under the RR District, such land shall be developed under the RR District provisions and not the underlying zoning district, unless the Planning Commission approves a zoning application to abandon the PRD approval, after the applicant has provided notice in writing to the Zoning Officer and the Planning Office.
 - a. Until such time as development is underway within a phase of development that was granted Final PRD approval, uses shall be allowed under the regulations of the underlying zoning district. Once a Final PRD Plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RR Overlay District shall be allowed, provided that other lawful pre-existing uses may be continued as non-conforming uses.
- 2. Development in the RR Overlay District shall first require tentative and then final approval as a Planned Residential Development (PRD). The PRD approval process replaces the conventional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed

in the RR Overlay District shall be permitted by right, provided they are consistent with the approved PRD Plan. If uses or development are proposed that are inconsistent with the approved PRD Plan, then the proposed PRD Plan revisions shall first be approved by the Planning Commission.

- 3. The provisions of this RR Overlay District shall only be available to be utilized if the "total area of the tract" is greater than 10 acres in common ownership or common equitable ownership at the time of tentative PRD plan submission. For the purposes of the RR Overlay District, a tract may include lots that are separated from each other by a street, a railroad, a park, or an alley.
 - a. Once a Final PRD Plan has been approved, then individual buildings may be undertaken by various entities, provided there is overall compliance with the Final PRD approval and provided there is compliance with the City-approved phasing plan and a development agreement that have been approved by the City.
 - b. See additional phasing provisions in Section 27-815.F. below.
- C. <u>Use Regulations</u>. Within the RR Overlay District, land and/or structures may be used for any of the following permitted by right uses listed below and be combined together in one or more buildings, provided final PRD approval has been previously granted.
 - 1. Single family detached dwellings
 - 2. One family semi-detached dwellings or Duplex dwelling.
 - 3. Apartment/Multi-Family Dwellings, which may include Mid-Rise or High-Rise apartments, provided the height requirement is met.
 - 4. One family attached dwellings (townhouses)
 - 5. Adaptive reuse of a building to convert building space into dwelling units and/or
 - to increase the number of dwelling units, provided the density requirements of
 - this Section are met.
 - 6. Amusement Arcade
 - 7. Bed and Breakfast Inn
 - 8. Surface, underground or structured parking areas as an accessory or principal use, provided that the area of surface parking lots shall not comprise more than 50 percent of the total area of all lots within the tract, and provided that underground parking shall not be allowed within the 100 year floodplain
 - 9. Business Services, which may include but is not limited to photocopying and custom printing

- 10. Catering, Preparation of Food for
- 11. Commercial Communications Tower/Antenna, that are attached to a building and that extend less than 25 feet above a principal building
- 12. Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio, or Retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
- 13. Exercise Club, or Fitness facility
- 14. Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)
- 15. Hotel or Motel, which may include a restaurant and conference center
- 16. Massage Therapy by a trained person certified by a recognized professional organization, not including an Adult Business
- 17. Newspaper Publishing and Printing
- 18. Offices of business, institution, profession, medical, or similar entity (see also Home Occupation)
- 19. Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)
- 20. Recreation, Commercial, Indoor or Outdoor, other than an outdoor motor vehicle race track.
- 21. Restaurant, which may include entertainment, provided that drive-through service shall be prohibited.
- 22. Municipal buildings and uses and other governmental facilities, but not including prisons, other correctional facilities and solid waste facilities
- 23. Retail store(s), which may include but is not limited to a supermarket or a farmers market, but not including an Adult Business
- 24. Tavern or Nightclub, which may include a Brew Pub that manufactures alcoholic beverages for on-site and off-site sale
- 25. Theater (not including an "Adult Business"), Performing Arts Facilities, Civic and/or Cultural Facility, Arena, Museum, Canal, Amusement Park, Water Park, Aguarium, Sports Stadium, Gymnasium or Auditorium
- 26. Trade School or Similar Educational Institution
- 27. Veterinarian, other than Kennel
- 28. Research and Development, Engineering or Testing Facility or Laboratory
- 29. Adult day Care Center
- 30. Day care facilities, which may also include Nursery School, Pre-School or "Head Start" program center
- 31. College or University, which may include dormitories for full-time students and staff.
- 32. Museum or Visitor's Center, and which include accessory retail sales
- 33. Nursing Home or Personal Care/Assisted Living Home or Congregate Care Housing Retirement Community
- 34. Community Center or Resident/Employee Recreation Center, Non-Profit
- 35. Social club meeting facilities
- 36. Public Park, Playground or other publicly-owned or publicly-operated

- recreation facilities or non-commercial outdoor recreation areas
- 37. Boat Dock, Wharf or Marina
- 38. Swimming Pools, public or private
- 39. Bus stops, bus passenger shelters and taxi waiting areas
- 40. Indoor vending and amusement machines, not including gambling machines
- 41. Public Utilities meeting Section 27-1203, including but not limited to electric substations and sanitary sewage facilities, but not including vehicle garages, warehouses, storage yards or freestanding commercial communications towers
- 42. Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use
- 43. Community special event facilities, which may include tents, awnings and displays
- 44. Family Child Care Home
- 45. Group Child Care Home or Child Day Care as a principal use
- 46. Home crafts under the provisions of Section 27-1007
- 47. Home computer/internet occupations under Section 27-1006, or Home Professional Occupations under Section 27-1202 or Home Occupation, or No Impact Home Based Businesses as defined by the Pennsylvania Municipalities Planning Code. If a dwelling unit is designated on the Final PRD Plan as being a "Live Work Unit", then the requirement that the home occupation area is limited to 25 percent of the dwelling unit floor area may be increased to 50 percent.
- 48. Sales or rental office, which may include model units, provided that any temporary modular sales/rental building shall be limited to use during the first year of construction
- 49. Warehousing as an accessory use to the permitted principal use of the lot, provided the warehousing does not occupy more than 25 percent of the floor area of the building
- 50. Places of Worship
- 51. Private or Public Primary or Secondary School

D. Site Layout and Dimensional Regulations.

1. The following Area, Yard and Building Regulations shall apply for all uses approved within a PRD, whichever is most restrictive.

a. Maximum Residential Density
b. Minimum Lot Area

10,000 square feet, provided that 1,600 square feet for townhouses and for commercial uses fronting upon a pedestrian-oriented commercial street

c. Minimum Lot Width

50 feet, provided that 20 Feet

shall be allowed for townhouses and commercial uses fronting upon a pedestrian-oriented commercial street**

d. Minimum Building Setback for

15 Feet, except a minimum of

a new building from an abutting fron

from a residential district boundary for

lot line at the perimeter of the tract a building of greater than 40 feet in height.

e. Minimum Front Yard Setback

0 Feet

f. Minimum Rear Yard Setback

0 Feet

g. Minimum Side Yard Setback

0 Feet

h. Maximum Building Coverage

80%***

I. Maximum Building Height

140 Feet, except 200 feet for

portions

of buildings that are more than 200

feet

from a principally residential lot that

is

outside of the PRD.

j. Buffer Yard Required

No, except an 8 feet wide buffer

yard

shall be required if a pre-existing principal dwelling in a residential district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RR Overlay District

k. Site Plan Review by City

Yes

Planning Commission

I. River Front Building Setback top of

Minimum of 50 feet from the

the bank of the Schuylkill River or a structural wall or improved water's edge along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan. Pedestrian access may be placed within this setback.

m. Each single family detached, single family semi-detached or single family

attached dwelling shall have a private outdoor area including a minim

um

area of 300 square feet for the exclusive use of that dwelling unit.

outdoor area may be a rear or side yard, a porch, a balcony, a deck, an

improved rooftop recreation area with railings, or a similar feature.

- * The Maximum Residential Density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed non-residential uses, provided such mixture of uses is consistent with the Tentative PRD Plan.
- ** Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.
- *** The Maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. Underground parking that is covered by vegetation or a pedestrian plaza shall not count as building area for the purposes of this Section. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time. For each 1,000 square feet of building floor area that achieves Certification or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of building coverage shall be allowed above the maximum.
- 2. <u>Fire Access.</u> The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus. The applicant should use a computer program to show that adequate access will be available for the largest vehicles used by the Fire Department, including provisions for turn-arounds. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets or parking areas do not provide adequate access to various sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.
- 3. <u>Minimum Business Uses</u>. A minimum of 5 percent of the total floor area of all enclosed buildings after completion of the development of the tract

- shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.
- 4. Open Land. A minimum of 10 percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Reading, which prohibits the construction of buildings and the further subdivision of the required open land.
 - a. Outdoor recreational facilities shall be landscaped and may include pathways, pedestrian outdoor courtyards and structures typically included in active and passive recreational areas. Areas within a street right-of-way and areas used for buildings or vehicle parking shall not count towards the open land requirement, except rooftop active recreation facilities that are available to all residents of the building and/or tract may count towards up to 50 percent of the required open land areas. Required open land areas may be designed to be under a roof during inclement weather or under a awning or similar feature.
 - b. Unless dedicated to and accepted by the City of Reading as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the Tract. The form of the property owners legal documents shall be subject to review by the City Department of Law. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.
 - c. The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.
 - d. The Planning Commission may approve a portion of the open land requirement being met by the applicant making recreation improvements to existing adjacent City-owned parkland, provided the extent of the improvements are specified and provided that the City Council approves a list of such improvements. The City Council may approve a lease of parkland for the purposes of allowing an applicant to make improvements to City parkland.
- 5. <u>Riverfront Access</u>. The RR Overlay District offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RR Overlay District if the developer commits to providing public access to and along

all portions of the Schuylkill Riverfront that are under the control of the applicant. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.

- a. Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 10 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and may be closed to the public between 10 p.m. and sunrise on land that is privately controlled. Access to land that is controlled by a public agency shall be governed by that public agency. Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.
- b. The applicant shall describe how parking will be made available for members of the public who wish to use the riverfront recreation trail and any recreation facilities open to the public. This may include on-street parking with time limits, but does not necessarily need to involve free parking provided by the applicant.
- c. Pedestrian public access points to the riverfront trail shall be available a maximum of 1,000 feet apart from each other, with each access point connecting to a street open to the public. Sufficient access shall also be available to the riverfront trail for maintenance vehicles. Except for police, motorized wheelchair and maintenance access, no motorized vehicles shall be allowed along the riverfront trail.
- 6. <u>Surface Parking Location.</u> If a new principal building is constructed that will be occupied primarily by retail uses, no new vehicle surface parking spaces shall be located in the area between the front wall of such building and the curbline of the nearest public street. If such lot is adjacent to two or more streets, this restriction shall only apply to one street. This provision shall not restrict parking that is located to the side or rear of such building.
- E. Site and Building Layouts. The following provisions shall be applied to the

tract to the satisfaction of the Planning Commission:

- 1. The tract shall include at least one pedestrian-oriented commercial street, with pedestrian entrances and pedestrian amenities along that street and with no off-street surface outdoor parking spaces located between such pedestrian-oriented street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along such pedestrian-oriented commercial street.
- 2. Along this pedestrian-oriented commercial street, a minimum of 50 percent of the front wall of each principal building shall not have a setback of greater than 40 feet from the curbline. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor café.
- The Final PRD Plan shall specify locations for garbage collection, business truck unloading areas and similar building services. Such locations shall be subject to approval by the Planning Commission to minimize conflicts with the pedestrian-oriented commercial street and dwellings.
- 4. The PRD shall have at least one central focal point for each 2,000 feet of length of the development. Examples of such a focal point include a landscaped central green space and/or a pedestrian-friendly street that includes commercial uses.
- 5. <u>Feasibility of Addressing Site Issues.</u> As part of a Tentative PRD application, the applicant shall provide written material describing methods that will be used to provide compatibility with any adjacent sanitary sewage facilities and to address safety with any underlying natural gas infrastructure.
- F. <u>Approval Process and Phasing.</u> Development under the RR Overlay District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the Pennsylvania Municipalities Planning Code are hereby included by reference.
 - 1. A Tentative Plan submittal shall be made that includes the entire tract. The Tentative Plan submittal shall state the following for the entire development and for each tentative phase: proposed number of dwelling units, the floor area of non-residential uses, the amount and locations of open land, the proposed locations and heights of buildings, the proposed locations of off-street parking areas, the locations of loading areas, and sufficient other information to show the feasibility of the proposed development. A map shall show the tentative phasing plan.

- a. The Tentative Plan submittal shall meet all of the requirements that would apply to a Preliminary Plan under the City Land Development and Subdivision Ordinance, except that Tentative Plans do not need to be drawn at a scale larger than one inch equals 100 feet, and except that the following submission requirements shall be deferred from the Tentative Plan to the Final Plan stage. Such deferral shall only occur if the applicant: a) shows the general feasibility of such features and b) commits to not construct improvements that will be dedicated to the City prior to receiving Final PRD Plan approval for the area that includes such improvements. Such deferral may include the following:
 - (1) Stormwater calculations
 - (2) Detailed grading and erosion and sedimentation control plans
 - (3) Proposed monuments
 - (4) Exact locations and species of plantings for landscaping plans
 - (5) Utility and street profiles
 - (6) Designs of culverts, man-holes, catch-basins and similar construction details
 - (7) Locations of proposed electric, telephone and cable television lines and water and sewage laterals
- 2. After review by the City Planning Office, City Engineer and Law Department, or their designees, and after the Tentative Plan has been offered for review by the County Planning Commission, the Tentative Plan shall be approved, approved with conditions or denied by the Planning Commission within the maximum time limits provided by the Pennsylvania Municipalities Planning Code, unless the applicant provides a written time extension.
 - a. The Tentative Plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The Tentative Plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins and proposed types of housing and non-residential uses.
 - b. The Tentative Plan is intended to show the inter-relationships and compatibility of various elements of the PRD. The Tentative Plan shall be to scale and be designed to show how the PRD will comply with the Zoning Ordinance.
- After a Tentative Plan has been approved, a Final Plan shall be submitted, with any phasing occurring in logical self-sufficient phases. The Final Plan shall meet all of the same requirements that would apply to a Final Plan under the City Subdivision and Land Development

regulations. The Final Plan shall need approval by the Planning Commission.

- a. No sale of lots or construction of buildings (other than one temporary modular sales/rental building) shall occur until after all of the following requirements are met: (1) an approved Final PRD Plan for that phase has been approved by the Planning Commission and has been recorded, (2) the applicant has proven they have met any conditions upon approval, and (3) acceptable financial guarantees for improvements have been established.
- 4. A Final Plan submittal shall be accompanied by an updated plan of the entire PRD at a Tentative Plan level of detail, which shall show portions previously approved, portions that have been built, the locations affected by the current Final Plan submittal, and the remaining phases of development. This overall plan shall also show compliance with density and open space land requirements.
- Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RR Overlay District will be met at the conclusion of that phase, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. The City Planning Commission may permit variations in specific requirements of these provisions for an individual phase, provided there will be compliance after the completion of the next phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan. For each phase, the applicant shall prove that the PRD will be able to properly function and will include suitable vehicle and pedestrian access and utilities even if later phases of the PRD are not built.
 - a. A tentative phasing plan shall be submitted as part of the Tentative Plan and be updated as part of any Final Plan and should be updated at least once a year afterwards. The phasing plan shall show the geographic area of each phase and the anticipated order of the various phases and an approximate timeline for start and completion of construction. The applicant shall prove to the City Planning Commission that any changes to the phasing plan comply with this Ordinance.
 - b. After final plan approval, the developer shall be required to enter into a development agreement with the City to ensure the timely completion of required improvements, in coordination with the

Phasing Plan.

- c. If new dwellings are proposed adjacent to an existing industrial use, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks between those dwellings and any adjacent industrially zoned land. Such buffering and setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.
 - (1) The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.
 - (2) The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.
 - (3) If such future adjacent phase is completed in conformance with the Tentative PRD Plan, then such buffer and setback requirement is eliminated.
- d. If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revised Tentative Plan for acceptance by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect zoning ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

G. Additional Requirements for a PRD.

- 1. Other Requirements. A PRD shall meet all of the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance that are not specifically modified by this Section or by the provisions of the Pennsylvania Municipalities Planning Code that governs PRDs.
- 2. Architecture. To carry out the intent of Traditional Neighborhood Development, as part of the final PRD submittal, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Zoning Officer, the Planning Office, the City Department of Law and the City Planning Commission for review and comment. The applicant shall also submit a Manual of Written and Graphic Design Guidelines. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of final plan approval, prior to the recording of such plan.
 - a. No new principal building shall have a front facade that is primarily constructed using vinyl siding.

- b. New street lights within the PRD shall have a decorative design with a maximum total height of 22 feet using a design pre-approved by the City.
- c. The applicant should describe any environmental friendly and energy efficient measures that are intended to be incorporated into the construction, such as use of rooftop gardens or green roofs.
- 3. <u>Covenants.</u> The City may also require covenants or conditions upon the plan to

address setbacks, landscaping, pedestrian access, fire access, street improvements, utility improvements, access by the public to certain recreation

areas, park improvements and other matters necessary to carry out the intent of

this Overlay District.

- 4. <u>Public Access.</u> The Tentative Plan and Final Plan shall each describe the locations and extent of public access to the Schuylkill Riverfront.
- 5. Traffic Study and Improvements. As part of the Tentative Plan submittal, the applicant shall submit a Traffic Impact Study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development during peak hours, the impacts of the development upon traffic in the surrounding area, any resulting reductions in levels of service below a level of "C" at intersections and highway ramps, and measures that the applicant proposes to complete or fund to mitigate the impacts, such as street improvements and/or assistance in funding transit services. Such Traffic Impact Study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the Traffic Impact Study shall assess the safety of such parking in that location.
 - a. The Traffic Impact Study shall analyze issues involving truck traffic, particularly to avoid conflicts between new dwellings and late night truck traffic, while also addressing peak hour congestion.
 - b. The Traffic Impact Study shall be prepared under the direction of a professional with substantial experience in preparing traffic impact studies. The qualifications of such person shall be included in the report.
- 6. For lots within a Historic District that is regulated by the City of Reading Historic Districts Ordinance, the applicant shall also comply with such Ordinance.
- H. <u>PRD Modifications</u>. As authorized by the TND and PRD provisions of the Pennsylvania Municipalities Planning Code, specific zoning and subdivision

and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant. Such modifications shall be allowed where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or TND as provided in State law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, improvement requirements, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer or designee before approving any modifications to street, improvement and rights-of-way requirements.

- As another option, the applicant shall also have the additional option of submitting an application for a zoning variance to the Zoning Hearing Board, in the same manner as would apply to other sections of the zoning ordinance.
- 2. Such modification may include, but is not limited to, the following street rights-of-way and cartway widths:
 - a. A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width except 8 feet in width in front of principal commercial uses, and a right-of-way width that includes the width of the required sidewalk.
 - b. A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8 feet wide parallel parking, a 4 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 5 feet and a minimum right-or-way width that includes the required width of the sidewalk.
 - c. An alley serving two-way traffic may be constructed with a 16 feet wide cartway and a 5 feet wide minimum setback between the travel lane and any rear garage, provided that parking is prohibited within the cartway. Along any side of an alley along which parallel parking is allowed, an additional 8 feet of paved width shall be required.
 - d. The Planning Commission may require wider cartway widths as needed, considering the results of the Traffic Impact Study.
- 3. Any street within the RR Overlay District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.
 - a. Pedestrian sidewalks with a minimum width of 5 feet and street

trees meeting requirements of the City shall be required on each side of every street, unless the applicant proves to the Planning Commission that an alternative pathway open to the public will provide the same level of pedestrian access. The minimum width of sidewalks shall be increased to 8 feet in front of principal commercial uses. Tree grates or similar measures may be used and permitted outdoor cafes may intrude into the sidewalk, provided a 4 feet continuous pedestrian and wheelchair accessible pathway is provided along the sidewalk. A minimum average of one street tree shall be required for each 40 feet of street length, unless existing trees will be preserved to serve the same purpose.

- I. <u>Off-Street Parking and Loading Regulations</u>. The requirements of Part 16 of the Zoning Ordinance shall apply, except for the following modifications:
 - Off-street parking may be shared by various uses and lots within the RR Overlay District provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the Tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.
 - 2. The amount of Off-Street Loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each Phase of the Tentative PRD Plan.
 - 3. Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 30 percent based upon:
 - a. the applicant's traffic study and parking study, provided the parking study analyzes current and anticipated on-street and off-street parking demand and supply within the PRD and at least one block in each direction,
 - b. the ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand,
 - commitments by the applicant to fund or provide transit services for residents, customers and patrons, such as connections to an off-site parking area, and
 - d. the availability of public transit and/or any shuttle or trolley service that may be provided during periods of peak parking demand.
 - 4. For development under the RR Overlay District, new off-street vehicle parking spaces shall not be located within 100 feet from the top of the bank of the Schuylkill River or a structural wall along the Schuylkill River,

- based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.
- 5. An applicant may meet a maximum of 25 percent of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.
- K. <u>Preserved Open Land</u>. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.
 - 1. Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Department of Law, or designee.
 - 2. The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
 - 3. Methods for ownership of the preserved open land shall utilize one of the following: a) dedication to the City for public recreation if the City agrees in advance to accept it, b) dedication to a property-owners association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land, c) retention by the owner of a rental housing development, or d) another suitable method that is specifically approved by the Planning Commission.

Part 5. Sign Regulations

The following is added as a new Section 27-1726:

"Signs Within the RR Overlay District.

In the RR – Riverfront Redevelopment Overlay District, signs shall meet the requirements that apply in the C-C district, except that the Planning Commission may approve modifications to sign provisions under the PRD provisions, in response to a written request from the applicant. In no case shall more than one freestanding sign be allowed per building per street frontage. In addition, a professional sports stadium may also include one 200 square feet freestanding sign with up to 2 sides. Signs that are not readable from a street and from beyond the property line are not regulated by this Section."

Part 6. Table of Contents

The table of contents of the Zoning Ordinance shall be revised to incorporate this zoning ordinance amendment, including the following:

Add the new Section 27-1726 entitled "Signs Within the RR Overlay District."

Add the new Section 27-815 entitled "RR Riverfront Redevelopment Overlay District."

EXHIBIT B

Land Area to Be Included in the RR Riverfront Redevelopment Overlay District



AGENDA MEMO MANAGING DIRECTOR

TO: President Spencer and City Council

FROM: Ryan Hottenstein, Managing Director

MEETING DATE: January 26, 2009

AGENDA MEMO DATE: January 22, 2009

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for William Heim, Police Chief, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Police Chief to \$108,957.13, a four (4%) percent increase, effective January 23, 2009, the anniversary date of William Heim's appointment as the Police Chief for the City of Reading.

BACKGROUND:

Chief Heim is completing his third year consecutive with the city, in addition to his three years of prior service. He continues to meet or exceed expectations and merits this increase. The increase is linked to amount agreed to and approved with the Fraternal Order of Police, and is the amount stipulated in the police chief's contract. Chief Heim has made an impact beyond originally conceived when hired by the City in early 2006. He shows extraordinary ability to focus, devise a plan, and stick to it. He has taken on additional duties during the past year, such as preparing the police department's budget and preparing for the property maintenance inspection function to be placed in the police department.

Chief Heim continues to implement the crime reduction strategies that are proving successful. The past two years have seen major crimes drop significantly, with homicides decreasing almost 50% from the first part of this decade. Chief Heim has met the goal of involving more officers and supervisors in the crime plan, and the accountability and responsibility for results is being spread throughout the department.

BUDGETARY IMPACT:

The 4% increase amounts to \$4,190.65. Funds are available in the City's General Fund in the Police Department budget.

SUBSEQUENT ACTION:
Not applicable.
RECOMMENDED BY:
The Mayor and Managing Director
RECOMMENDED MOTION:

To increase the present salary of the Police Chief to \$108,957.13.

PREVIOUS ACTION:

Not applicable.

BILL	NO.	
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AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE POLICE CHIEF, WILLIAM M. HEIM, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, William M. Heim, was confirmed, by City Council, as the City's Police Chief on January 23, 2006; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, William M. Heim, received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$108,957.13 (4% merit) effective January 23, 2009 based upon his employment contract.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS

SECTION 1. COMPENSATION.

The salary of the Police Chief, William M. Heim, shall be increased to \$108,957.13 per annum effective January 23, 2009.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

	Enacted	, 2009
Attest:	President of Cou	ncil
City Clerk		

BIL	_ N O
ΑN	ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING FULL-TIME POSITION ORDINANCE AS FOLLOWS:

SECTION 1. In the Mayor's office, the position of Gun Safety Coordinator shall be created.

SECTION 2. This amendment to the Full-Time Position Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

	Enacted by Council	, 2009
	President of Council	
Attest:		
City Clerk	-	
Submitted to Mayor: Date:	_	
Received by the Mayor's Office: _ Date:		
Approved by Mayor: Date:	_	
Vetoed by Mayor:		

RESOLUTION NO.	
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THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:
That Brian Bingaman is appointed to the Planning Commission with a term ending April 1, 2012.
Adopted by Council, 2009
Vaughn D. Spencer President of Council
Attest:
Linda A. Kelleher City Clerk

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THE COUNCIL OF THE CITY OF F FOLLOWS:	READING HEREBY RESOLVES AS
That Lori Knockstead is appointed t a term ending August 18, 2014.	to the Stadium Commission with
Adopted by Cou	ncil, 2009
-	Vaughn D. Spencer President of Council
Attest:	
Linda A. Kelleher City Clerk	

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THE COUNCIL OF 'FOLLOWS:	THE CITY OF R	EADING HEREBY R	ESOLVES AS
That Robert Fegley i ending December 31, 2015.		he Plumbing Board	with a term
	Adopted by Cour	ncil	, 2009
	_		n D. Spencer
Attest:		Preside	nt of Council
Linda A. Kelleher City Clerk			

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THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:	5
That Henriette Alban is appointed to the Library Board of Trustees with a term ending December 31, 2014.	3
Adopted by Council, 2009)
Vaughn D. Spencer President of Council	
Attest:	
Linda A. Kelleher City Clerk	

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:
That Raymond Schuenemann III is appointed to the Water Authority with a term ending January 1, 2010.
Adopted by Council, 2009
Vaughn D. Spencer
President of Council Attest:
Linda A. Kelleher City Clerk